



HUNTON & WILLIAMS LLP  
1751 PINNACLE DRIVE  
SUITE 1700  
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7676  
FAX 703 • 918 • 4050

SYED S. AHMAD  
DIRECT DIAL: 703-714-7676  
EMAIL: sahmad@hunton.com

February 10, 2012

**VIA ECF**

The Honorable David N. Hurd  
United States District Court  
for the Northern District of New York  
Alexander Pirnie Federal Bldg.  
10 Broad Street  
Utica, NY 13501

**Re: Utica Mutual Ins. Co. v. Fireman's Fund Ins. Co.,  
No. 6:09-CV-0853 (DNH/TWD)**

Dear Judge Hurd:

On behalf of Utica Mutual Insurance Company, we write to respond to the inquiry in the Court's February 6, Text Order.

That Order provides that Judge Lowe is retiring on February 9, 2012 and, on February 10, 2012, will become affiliated on an "of counsel" basis with the law firm of Bond, Schoeneck & King, PLLC ("BS&K"). According to the Order, Your Honor is "considering directing Mr. Lowe to render advisory opinions on the pending motions ...." Because of BS&K's representation of Utica Mutual – in the past and upon occasion at the present – the Order asks the parties if they are willing to waive the conflict.

We have discussed this matter with our client and can advise that Utica Mutual is not in a position to waive the conflict.

Respectfully submitted,

/s/Syed S. Ahmad  
Syed S. Ahmad

cc: Mary Lopatto  
Nancy Monarch  
John Finnegan